



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,953	12/11/2000	Bruce M. Schena	IMM1P034A	6372
22903	7590	09/07/2005	EXAMINER	
COOLEY GODWARD LLP ATTN: PATENT GROUP 11951 FREEDOM DRIVE, SUITE 1700 ONE FREEDOM SQUARE- RESTON TOWN CENTER RESTON, VA 20190-5061			BRIER, JEFFERY A	
			ART UNIT	PAPER NUMBER
			2672	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/734,953

Applicant(s)

SCHENA ET AL.

Examiner

Jeffery A. Brier

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 39, 40, 42-44, 49, 50, 52-54 and 61-78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39, 40, 42-44, 49, 50, 52-54 and 61-78 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/26/01 & 10/06/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) -
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 7/29/2004 has been entered.

2. This application is in condition for allowance except for the following formal matters:

The information disclosure statement filed 07/29/2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

PTO-SB/08A 1 of 2:

The US patents have been considered while being viewed in EAST.

The Non-Patent Literature has not been considered because they are not present in the IFW file. Copies were provided on CDROM, however, this is not a current proper method of providing the articles since the scanner cannot scan them into IFW. The proper method to provide these articles is to provide paper copies of those articles so they can be scanned into the IFW file and then considered by the examiner.

PTO-SB/08A 2 of 2:

These documents were stated as previously considered in parent applications. The US patents and the WIPO and UK foreign patents have been considered while being viewed in EAST. The Japanese patent was viewed by using the Japanese website, PAJ, to view the document. The two WIPO documents have been lined through because their identifying numbers appear to be incorrect, WO/95/16397 and WO/95/22591 are for 1995 documents, and their subject matter appears to not correspond to this application. WO/95/16397 is titled PROCESS AND DEVICE FOR STIMULATING THE FORMATION OF NEW ISSUES IN EXTENSIVE AND DEEP WOUNDS. WO/95/22591 is titled HYDROGENATION OF UNSATURATED FATS, FATTY ACIDS OR FATTY ACID ESTERS. Applicant may have intended to cite WO/96/16397 and WO/96/22591 which have been cited by the Examiner on the enclosed PTO-892.

The Non-Patent Literature has not been considered because copies of those references are not present in the files for 08/965,720 and 08/881,691. File 08/756,745 is lost. Thus, to assist the Patent Office in fully considering the Non-Patent Literature references with regard to the currently pending claims applicant should provide paper copies of these articles so they can be scanned into the IFW file and then considered by the examiner.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

### **REASONS FOR ALLOWANCE**

3. The following is an examiner's statement of reasons for allowance:

Claims 63 and 66:

The prior art of record does not teach or suggest an indexing button on the force feedback interface device enabling an indexing mode. This is described in applicant's specification at page 12 line 33 to page 13 line 12.

Claims 39, 40, 42-44, 49, 50, 52-54, 61, 62, 64, and 65:

The prior art of record does not teach or suggest when or after a force functionality button is depressed by the user and when the cursor crosses a border of a click surface applying by the actuator a spring force resisting motion of the cursor into said click surface. The closest prior art is Salcudean which at column 9 lines 44-48 describes transferring the tactile sense of pressing a button when the pointer or cursor presses the softbutton, but does not teach the force functionality button and does not teach applying a spring force resisting motion of the cursor as the cursor crosses the border of the click surface into the click surface.

Claims 67-71:

The prior art of record does not teach or suggest a button configured to modify the haptic feedback output when the location of the displayed cursor and displayed graphical object are associated with each other by having the haptic feedback represent

Art Unit: 2672

a resistive spring force opposing a movement of the cursor displayed on the graphical interface.

Claims 72-75:

The prior art of record does not teach or suggest selecting a first type of haptic feedback... when the button is in a first position and selecting a second type of haptic feedback... when the button is in a second position different from the first position.

Claims 76-78:

The prior art of record does not teach or suggest the haptic feedback being a first haptic-feedback when the button is in a first position and being a second haptic-feedback when the button is in a second position.

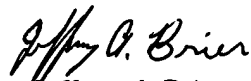
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (571) 272-7656. The examiner can normally be reached on M-F from 7:00 to 3:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Art Unit: 2672

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffery A Brier  
Primary Examiner  
Art Unit 2672